

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOSHUA A. WILSON, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN III, *et al.*,

Defendants.

Case No. 4:22-cv-00438-ALM

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the Fourth Circuit's recent decision in *Alvarado v. Austin*, No. 23-1419 (4th Cir. Aug. 3, 2023) (attached as Ex. 1).

In that case, military chaplains serving in the Army, Air Force, and Navy challenged the military's COVID-19 vaccination requirement, bringing claims under the Religious Freedom Restoration Act, the First Amendment, and other authorities. The district court previously had denied the plaintiffs' motion for a preliminary injunction and dismissed the case as non-justiciable. *See Alvarado v. Austin*, No. 1:22-cv-876, 2022 WL 18587373, at *4–10 (E.D. Va. Nov. 23, 2022). On appeal, and after briefing from the parties on mootness, the Fourth Circuit found that the case was moot in its entirety, vacated the district court's prior orders, and remanded the case with instructions for the district court to dismiss the case as moot. *See* Ex. 1 at 2.

The Fourth Circuit's order provides additional authority in support of Defendants' motion to dismiss, ECF No. 45.

Dated: August 4, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing document with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
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U.S. Department of Justice